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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/423,378 01/28/00 KOZAM

M 0106-0001

TM02/0605

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EXAMINER

CHOULES, J

ART UNIT

PAPER NUMBER

2177

DATE MAILED:

06/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.

09/423,378

Applicant(s)

KOZAM ET AL.

Examiner

Jack M Choules

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-29 are presented for examination.

#### *Response to Arguments*

2. Applicant's arguments filed 19 March 2001 have been fully considered but they are not persuasive with the exception of those directed to the Devany reference. The applicant argues as follows with respect to claim 25:

- a. Lee does not suggest transmitting data over the internet.
- b. Lee does not suggest storage of information.
- c. Williams does not suggest an article of manufacture that is non-platform specific.
- d. Williams does not suggest a system that allows both sender and receiver to input and modify the transmitted data.

3. The examiner respectfully disagrees as follows;

- a. Claim 25 contains no limitation to transmitting of data over the internet. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transmitting of data over the internet) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2177

- b. Lee clearly does detail storage of information (abstract) the fact this is done on magnetic tape is not relevant as there is no limitation to medium in the claim.
  - c. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-platform specific) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
  - d. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a system that allows both sender and receiver to input and modify the transmitted data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
4. The applicant argues as follows with respect to claims 1-24:
- a. As to claim 1, The combination of JetForm and Williams does not disclose allowing the user to perform verification of the data as claimed in claim 1.
  - b. The Examiner does not suggest a reason for combination Williams with Jetform.
  - c. As to claim 11, Williams does not suggest "a two way interactive web-enable database system that allows both sender and receiver to modify and input information transmitted."

Art Unit: 2177

- d. As to claims 11 and 23, Williams does not suggest “verifying the information for accuracy as the information is being inputted.”
5. The examiner respectfully disagrees:
- a. Williams details the data being entered “from financial exchanges, online operator terminals external online real-time systems,” etc. (column 3 lines 44-54) so the data is at least in some configuration of the system of Williams entered by operators (users) while Williams is not specific in who edits (editing detailed in column 3 lines 44-54) the data it would be obvious that if verification finds an error it would require editing by that user who input the data as the user would have access to the original source and should be the one best able to correctly edit the data.
  - b. The Examiner does provide a suggested reason in paragraph 11 of the previous action dated 19 September 2001.
  - c. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “a two way interactive web-enable database system that allows both sender and receiver to modify and input information transmitted.”) are not recited in rejected claim 11. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 2177

d. JetForm, the primary reference, does detail "verifying the information for accuracy as the information is being inputted" (page 1 first through fourth full paragraphs).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al., US Patent No. 3,576,433.

8. As to claim 25, Lee disclosed the invention substantially as claimed including a data processing system ['DP'] comprising "centralized collection of geographically distributed information" (col. 1, lines 41-65).

9. Lee does not detail clinical trial data management. Lee describes a system, which includes data management for receiving orders. Clinical trial data management is known in the art.

10. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to modify Lee to provide clinical trial data management system improving the versatility Lee by allowing it to be used in other areas by modifying the data it handles in the DP system.

Art Unit: 2177

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Williams, Jr., US patent no. 4,868,866.

12. As to claim 25, Williams disclosed the invention substantially as claimed including a data processing system ['DP'] comprising "centralized collection of geographically distributed information" (col. 2, lines 41-50).

13. Williams does not detail clinical trial data management. Williams describes a system, which includes data management for general areas including finance. Clinical trial data management is Known in the art.

14. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to modify Williams to provide clinical trial data management system improving the versatility Williams by allowing it to be used in other areas by modifying the data it handles in the DP system.

15. Claims 1-24 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JetForm in "JetForm(R) Announces First Java™-Based Electronic Forms Solution" in view of Williams, Jr. [hereafter Williams] US Patent No. 4,868,866.

16. As to claims 23-24, JetForm describes a system comprising, "a remote site computer" (page 1, first through fourth full paragraphs) "a transmission medium" (page 1, first full paragraph not the Web includes a transmission medium) and generally "a central computer" (page 1, fifth full paragraph and page 2, second through fourth full paragraphs).

Art Unit: 2177

17. JetForm does not describe the details of the database such as "a second data verification module". Williams does detail a central database containing "a second data verification module" (col. 3, lines 50-61).

18. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the further checking of Williams as a checking of the data in relation to data already occurring in the database could be preformed which could not at the remote site computer.

19. Jetform and Williams does not detail clinical trial data management. Jetform and Williams describes a system that includes data management for general areas including finance. Clinical trial data management is Known in the art.

20. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to modify Jetform and Williams to provide clinical trial data management system improving the versatility Jetform and Williams by allowing it to be used in other areas by modifying the data it handles in the DP system.

21. As to claims 1-22 and 26-29, these claims basically recite the limitations of claims 23-24 with further limitations as follows: correction by the user is allowed after verification would at least be obvious as it is the simplest and most sure method of ensuring the date is properly corrected and the point of verifying is to have correct data, the internet and world wide web is anticipated by JetForm as above cited by the term web, Java is also anticipated in the above quoted cites of JetForm, filtering is a general form of verifying that is well known in the art and would be obvious because of its simple implementation and proven utility.

Art Unit: 2177

22. Note: the art cited in this rejection was provided by applicant in the information disclosure statement filed February 4, 2000.

*Conclusion*

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

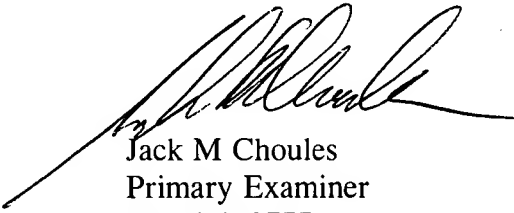
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2177

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-8449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Jack M Choules  
Primary Examiner  
Art Unit 2777

JMC  
June 4, 2001